

Franklinville Central School Code of Conduct

Respect, Responsibility, and Relationships



Teach, Believe, Aspire – Fostering a Culture for Success

“Preparing Students Today for the World Tomorrow”

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Code of Conduct

I. INTRODUCTION

The Board of Education (“Board”) is committed to providing a safe and orderly school environment where students may receive, and district personnel may deliver quality educational services without disruption or interference. Responsible behavior by students, teachers, other district personnel, parents and other visitors is essential to achieving this goal.

The district has a long-standing set of expectations for conduct on school property and at school functions. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty and integrity.

The Board recognizes the need to clearly define these expectations for acceptable conduct on school property, to identify the possible consequences of unacceptable conduct, and to ensure that discipline when necessary, is administered promptly and fairly. To this end, the Board adopts this Code of Conduct (“Code”). Unless otherwise indicated, this code applies to all students, school personnel, parents and other visitors when on school property, in a school vehicle, or attending a school function.

II. DEFINITIONS

For purposes of this code, the following definitions apply:

“Disruptive student” means an elementary or secondary student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher’s authority over the classroom.

“Parent” means parent, guardian or person in parental relation to a student.

“School property” means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school vehicle as defined in (Education Law Section 11[1]).

“School Vehicle” means every motor vehicle owned and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities (Education Law Section 11[1] and Vehicle and Traffic Law Section 142).

“School Function” means any school-sponsored extra-curricular event or activity on or off school property. (Education Law Section 11[2]).

“Violent student” means a student under the age of 21 who:

1. Commits an act of violence upon a school employee, or attempts to do so;
2. Commits, while on school property or at a school function, an act of violence upon another student or any other person on school property or at the school function, or attempts to do so;
3. Possesses, while on school property or at a school function, a weapon;
4. Displays, while on school property or at a school function, what appears to be a weapon;
5. Threatens, while on school property or at a school function, to use a weapon;
6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person on school property or at a school function;
7. Knowingly and intentionally damages or destroys school district property

“Weapon” means a firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act:

- any weapon (including a starter gun) that will be, or is designed to or may readily be, converted to expel a projectile by the action of an explosive, the frame or receiver of any weapon described above, any firearm muffler or firearm silencer.

- any destructive device, which includes: any explosive, incendiary, or poison gas, including a bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or similar device.
- any weapon that will, or that may be readily converted to, expel a projectile by the action of an explosive or other propellant, and that has any barrel with a bore of more than one-half inch in diameter
- any combination or parts either designed or intended for use in converting any device into any destructive device described in the two immediately preceding examples, and from which a destructive device may be readily assembled

It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, slingshot, slung shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, chukka stick (nunchucku), electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

“Disability” means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held (Education Law Section 11[4] and Executive Law Section 292[21]).

“Employee” means any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to Title IX Part B of Article V of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact or any individual volunteering their services and/or expertise to the District. (Education Law Sections 11 [4] and 1125[3]).

“Sexual Orientation” means actual or perceived heterosexuality, homosexuality, or bisexuality (Education Law Section 11[5]). Someone attracted primarily or exclusively to members of the opposite sex is characterized as straight or heterosexual. Someone attracted primarily or exclusively to members of the same sex is characterized as homosexual. A person with a strong or viable attraction to both genders is characterized as bisexual or pansexual.

“Harassment” means the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex (Education Law Section 11[7]).

“Race” means a group of persons related by a common descent or heredity. For purposes of enumeration, the U.S. Census Bureau uses terms such as: "White/Caucasian", "Black/African American/African-descent", "Asian", "Bi-racial", "and Hispanics/Latinos “etc. to describe and classify the inhabitants of the United States.

“Color” means the term refers to the apparent pigmentation of the skin, especially as an indication or possible indication of race.

“Weight” means aside from the obvious meaning in the physical sciences, the word is used in reference to a person's "size".

“National Origin” means a person's country of birth or ancestor's country of birth.

“**Ethnic Group**” means a group of people who identify with each other through a common heritage including language, culture, and often a shared or common religion and or ideology that stresses ancestry.

“**Religion**” means specific fundamental beliefs and practices generally agreed to by large numbers of the group or a body of persons adhering to a particular set of beliefs and practices.

“**Religious Practice**” means a term including practices and observances such as attending worship services, wearing religious garb or symbols, praying at prescribed times, displaying religious objects, adhering to certain dietary rules, refraining from certain activities, proselytizing, etc.

“**Gender**” means the socially constructed roles, behaviors, activities, and attributes that a given society considers appropriate for men and women. (MASCULINE and FEMININE denote "gender".) Actual or perceived sex and includes a person's gender identity or expression (Education Law Section 11[6]).

“**Bullying**” generally involves the following:

Imbalance of Power: People who bully use their power to control or harm and the people being bullied may have a hard time defending themselves

Intent to Cause Harm: actions done by accident are not bullying; the person bullying has a goal to cause harm.

Repetition: incidents of bullying happen to the same person over and over by the same person or group.

Bullying can take many forms, including:

Verbal: name-calling, teasing

Social: spreading rumors, leaving people out on purpose, breaking up friendships

Physical: hitting, punching, shoving

“**Cyber bullying**” Cyber bullying involves using the Internet, mobile phones or other digital technologies to harm others. Cyber bullying happens through the use of technology such as computers, cell phones and other electronic devices.

Examples of cyber bullying include:

Sending hurtful, rude, or mean text messages to others

Spreading rumors or lies about others by e-mail or on social networks

III. STUDENT’S RIGHTS AND RESPONSIBILITIES

It is the student's right:

It is the student's responsibility:

- | | | |
|---|---|--|
| 1) To attend school in the district in which one's parent or legal guardian resides. | → | To attend school daily, regularly and on time, perform assignments, and strive to do the highest quality work possible and be granted the opportunity to receive a good education. |
| 2) To expect that school will be a safe, orderly and purposeful place for all students to gain an education and to be treated fairly. | → | To be aware of all rules and expectations regulating student's behavior and conduct oneself in accordance with these guidelines. |
| 3) To be respected as an individual. | → | To respect one another, and to treat others in the manner that one would want to be treated. |
| 4) To express one's opinions verbally or in writing. | → | To express opinions and ideas in a respectful manner so as not to offend, slander, or restrict, the rights and privileges of others. |
| 5) To dress in such a way as to express one's personality. | → | To dress appropriately in accordance with the dress code, so as not to endanger physical health, safety, limit participation in school activities or be unduly distracting. |
| 6) To be afforded equal and appropriate educational opportunities. | → | To be aware of available educational programs in order to use and develop one's capabilities to their maximum. |

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| 7) | To take part in all school activities on an equal basis regardless of race, color, creed, religion, religious practice, sex, sexual orientation, gender, national origin, ethnic group, political affiliation, age, marital status, or disability. | → | To work to the best of one's ability in all academic and extra-curricular activities, as well as being fair and supportive of others. |
| 8) | To have access to relevant and objective information concerning drug and alcohol abuse, as well as access to individuals or agencies capable of providing direct assistance to students with serious personal problems. | → | To be aware of the information and services available and to seek assistance in dealing with personal problems, when appropriate. |
| 9) | To be protected from intimidation, harassment, or discrimination based on actual or perceived race, color, weight, national origin, ethnic group, religion, or religious practice, sex, gender/gender identity, sexual orientation, or disability, by employees or students on school property or at a school-sponsored event, function or activity. | → | To respect one another and treat others fairly in accordance with the District Code of Conduct and the provisions of the Dignity Act. To conduct themselves in a manner that fosters an environment that is free from intimidation, harassment, or discrimination. To report and encourage others, to report any incidents of intimidation, harassment or discrimination. |

IV. ESSENTIAL PARTNERS

A. Parents

1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community;
2. Send their children to school ready to participate and learn as required by New York State Education Law and in accordance with the District's Comprehensive Student Attendance Policy;
3. Ensure absences are excused;
4. Insist their children be dressed and groomed in a manner consistent with the student dress code;
5. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment;
6. Know school rules and help their children understand them;
7. Convey to their children a supportive attitude toward education and the district;
8. Convey a respect for all individuals regardless of race, color, creed, national origin, religion, gender, sexual orientation or disability;
9. Build good relationships with teachers, other parents and their children's friends;
10. Help their children deal effectively with peer pressure;
11. Inform school officials of changes in the home situation that may affect student conduct or performance;
12. Provide a place for study and ensure homework assignments are completed;
13. Teach their children respect and dignity for themselves, and other students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, which will strengthen the child's confidence and promote learning in accordance with the Dignity for All Students Act

B. Teachers

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn;
2. Be prepared to teach;
3. Demonstrate interest in teaching and concern for student achievement;
4. Know school policies and rules, and enforce them in a fair and consistent manner;
5. Communicate to students and parents in a timely manner:
 - a. Course objectives and requirements
 - b. Marking/grading procedures
 - c. Assignment deadlines

- d. Expectations for students
- e. Classroom discipline plan
- 6. Communicate regularly with students, parents and other teachers concerning growth and achievement;
- 7. Confront issues of discrimination and harassment in any situation that threatens the emotional or physical health or safety of any students, school employee or any person who is lawfully on school property or at a school function;
- 8. Address personal biases that may prevent equal treatment of all students in the school or classroom setting;
- 9. Report incidents of discrimination and harassment that are witnessed or otherwise brought to a teacher's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner

C. Guidance Counselors, Social Workers, School Psychologists

- 1. Maintain student confidentiality except in instances where a student would be harmful to himself/herself or others;
- 2. Support educational and academic goals;
- 3. Know school rules, abide by them and enforce them in a fair and consistent manner;
- 4. Assist students in coping with peer pressure and emerging personal, social and emotional problems;
- 5. Set a good example for students and colleagues by demonstrating dependability, integrity and other standards of ethical conduct;
- 6. Maintain confidentiality about all personal information and educational records concerning students and their families;
- 7. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary or requested, as a way to resolve problems and communicate as necessary in any other manner with parents and other staff regarding student progress and needs;
- 8. Regularly review with students their educational progress, college and career plan;
- 9. Provide information to assist students with college and career planning;
- 10. Encourage students to benefit from the curriculum and extra-curricular programs;
- 11. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn;
- 12. Report incidents of discrimination and harassment that are witnessed or otherwise brought to the staff member's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner

D. Expectations for Other School Staff

- 1. Follow the Code of Conduct; know, abide by and enforce school rules in a fair and consistent manner.
- 2. Set a good example for students and other staff by demonstrating dependability, integrity and other standards of ethical conduct;
- 3. Assist in promoting a safe, orderly and stimulating school environment;
- 4. Maintain confidentiality about all personal information and educational records concerning students and their families;
- 5. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn;
- 6. Report incidents of discrimination and harassment that are witnessed or otherwise brought to a staff member's attention to the building administrator and/or Dignity Act Coordinator (DAC) in a timely manner

E. Principals

- 1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning;
- 2. Ensure that students and staff have the opportunity to communicate regularly with the principal and approach the principal for redress of grievances;
- 3. Support the development of and student participation in, appropriate extra-curricular activities;
- 4. Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly;
- 5. Communicate to students and parents in a timely manner;

6. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn;
7. Follow up on any incidents of discrimination and harassment that are witnessed or otherwise brought to the Principal's attention in a timely manner in collaboration with the Dignity Act Coordinator (DAC)

F. Superintendent

1. Promote a safe, orderly and stimulating school environment, free from intimidation, discrimination and harassment, supporting active teaching and learning;
2. Review with district administrators the policies of the Board of Education and state and federal laws relating to school operations and management;
3. Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a Code of Conduct that clearly defines expectations for the conduct of students, district personnel and visitors on school property and at school functions;
4. Inform the Board about educational trends relating to student discipline;
5. Work to create instructional programs that minimize problems of misconduct and are sensitive to student and teacher needs;
6. Work with district administrators in enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly;
7. Maintain communication with a representative body of students;
8. Address all areas of school safety concerns;
9. Appoint the Dignity Act Coordinator in each building. The coordinator will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, and sex. The Dignity Act Coordinator will be accessible to students and other staff members for consultation and advice as needed on the Dignity Act

G. Board of Education

1. Adopt and review at least annually the district's Code of Conduct to evaluate the code's effectiveness and the fairness and consistency of its implementation;
2. Approve Dignity Act Coordinator(s) per the recommendation of the Superintendent in each school building;
3. Lead by example by conducting board meetings in a professional, respectful, courteous manner;
4. Maintain confidentiality on all school matters involving personnel information and records

H. Dignity Act Coordinator

1. The Dignity Act also requires that at least one staff member at every school be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex;
2. There will be one Dignity Act Coordinator per school.

At Franklinville Elementary School the Dignity Act Coordinator is:

Meghan Russell

716-676-8016

mrussell@frkl.wnyric.org

At Ten Broeck Academy the Dignity Act Coordinator is:

Cindi Rhoades

716-676-8054

crhoades@frkl.wnyric.org

V. STUDENT DRESS CODE

Individual taste in student dress is acceptable. However, it cannot promote the use of drugs, alcohol, offensive language or behavior. It cannot be disruptive to the educational process. "Students shall not wear attire which interferes with the operation of the school or which impinges upon the general health, safety, and welfare of District students or employees."

Each building principal or his/her designee shall be responsible for informing all students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year.

Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item and, if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so shall be subject to discipline, up to and including in-school suspension for the day. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including out of school suspension.

In all schools (K-12): The purpose of the dress code at Franklinville Central School District is to ensure a productive learning environment in which all students feel comfortable. Students and parents have responsibility for acceptable dress and appearance. Student dress affects the culture and climate of the school. One of the values in our district is that we respect the rights and feelings of others; any item of clothing that would be offensive or distracting to others does not fit in our value system. This dress code applies to all students.

- No headwear such as hats, hoods, beanies or bandannas are to be worn (except for religious/medical purposes);
- No coats or outerwear are to be worn in the building (except for religious/medical purposes);
- Sunglasses may only be worn for medical reasons;
- Hazardous jewelry cannot be worn, including but not limited to spiked jewelry or wallet chains;
- Footwear should be worn at all times;
- No article of clothing, accessory or visible tattoo should have profanity, or obscene pictures, or imply a sexually suggestive remark, this also includes references to drugs, alcohol and tobacco;
- No undergarments should be visible;
- Torn or altered clothing should not be revealing or suggestive;
- Skirts, dresses or shorts should extend beyond the fingertips with arms at your side. Bottom of shirt should meet the top of pants;
- Pants, shorts, skirts or dresses should not be revealing or suggestive in nature (example: skin tight clothing);
- No student should wear halter or tube tops, spaghetti straps, one-shoulder, or strapless dresses or blouses. Straps on dresses and blouses must cover under garments;
- No see-through clothing;
- No pajamas or other obvious sleepwear;
- All tops must completely cover the midriff, back and not expose cleavage.

Students that are in violation of the dress code will receive a warning, followed by a detention for further violations. In each case, the student will need to modify his or her appearance by covering up the offending item or changing into something acceptable. Students that repeatedly fail to comply with the dress code at Franklinville Central School District will be subject to further discipline including suspension.

Thank you for your assistance and cooperation in supporting an environment free from distraction or inappropriate clothing.

VI. PROHIBITED STUDENT CONDUCT

The Board of Education expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, district personnel and other members of the school community, and for the care of school facilities and equipment.

The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. District personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

The Board recognizes the need to make its expectations for student conduct while on school property or engaged in a school function specific and clear. The rules of conduct listed below (while not all inclusive) are intended to do that and focus on safety and respect for the rights and property of others.

Students who will not accept responsibility for their own behavior and who violate these school rules will be required to accept the penalties for their conduct. Students may be subject to disciplinary action, up to and including suspension from school or removal from a program, when they engage in conduct that is disorderly, insubordinate, disruptive, violent, endangers the safety, morals, health or welfare of others, engage in misconduct on the school bus, or engage in academic misconduct including work/internship sites.

Students are given the opportunity to learn in a safe, positive environment. With that opportunity comes the expectation that students are responsible for their conduct during school hours, and at all school-related activities on or off school property.

Disciplinary action will be taken by the teacher and/or the administrator through a referral process when conduct is in violation of acceptable expectations.

While it is impossible to provide an exhaustive list, the Board of Education has specifically classified the following actions as *not permissible* and the student will be subject to disciplinary action, up to and including, suspension from school, when he/she engages in:

1. Engage in conduct that is disorderly. Examples of disorderly conduct include, but are not limited to:

- *Running in hallways;*
- *Making unreasonable noise;*
- *Using language or gestures that are profane, lewd, vulgar or abusive;*
- *Obstruction of vehicular or pedestrian traffic;*
- *Engaging in any willful act which disrupts the normal operation of the school community;*
- *Trespassing - students are not permitted in any school building, other than the one they regularly attend, without permission from a teacher, coach, advisor or administrator;*
- *Computer/electronic communications misuse including any unauthorized or inappropriate use of computer, software, or internet/intranet account; accessing inappropriate websites; evading the District's content filter; using an outside wireless network; or any other violation of the District's Acceptable Use Policy;*
- *Driving a motorized vehicle in a reckless manner;*
- *Use of fireworks;*
- *Defacing school property.*

2. Engage in conduct that is insubordinate. Examples of insubordinate conduct include, but are not limited to:

- *Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect;*
- *Excessive tardiness, missing or leaving school without permission or valid excuse;*
- *Skipping detention.*

3. Engage in conduct that is disruptive. Examples of disruptive conduct include, but are not limited to:

- *Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students.*

4. Engage in conduct that is violent. Examples of violent conduct include, but are not limited to:

- *Committing an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator or other school employee or attempting to do so;*
- *Committing an act of violence (such as hitting, kicking, punching, and scratching) upon another student or any other person lawfully on school property or attempting to do so;*
- *Possessing a firearm/weapon; authorized law enforcement officials are the only persons permitted to have a firearm/weapon in their possession while on school property or at a school function;*
- *Displaying what appears to be a firearm/weapon;*
- *Displaying signs of gang affiliation or engaging in gang-related behaviors;*
- *Threatening to use any firearm/weapon;*
- *Any verbal or written threat;*
- *Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson;*
- *Intentionally damaging or destroying school district property*

5. Engage in any conduct that endangers the safety, morals, health or welfare of others. Examples of Such conduct include but are not limited to:

- *Lying to school personnel;*

- *Stealing the property of other students, school personnel or any other person lawfully on school property or attending a school function;*
 - *Bullying, by definition, includes a variety of negative acts carried out repeatedly over time. It involves a real or perceived imbalance of power, with a more powerful child or group attacking those who are less powerful;*
 - *Cyberbullying or Internet bullying, which includes using the Internet, cell phones or other devices to send or post text or images intended to hurt or embarrass another person. Cyber bullying includes the use of instant messaging, e-mail, web sites, chat rooms, and text messaging when such use interferes with the operation of the school; or infringes upon the general health, safety and welfare of District students or employees;*
 - *Sexting, which is the slang term for the use of a cell phone or other similar electronic device to distribute pictures or video of sexually explicit images. It can also refer to text messages of a sexually-charged nature;*
 - *Defamation, which includes making false or unprivileged statements or representation about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them;*
 - *Discrimination, which includes the use of race, color, creed, national origin, religion, gender, sexual orientation or disability as a basis for treating another in a negative manner; • Harassment, which includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be, or which a reasonable person would perceive as ridiculing or demeaning;*
 - *Intimidation, which includes engaging in actions or statements that put an individual in fear of bodily harm;*
 - *Hazing, which includes an intentional or reckless act directed against another for the purpose of initiation into, affiliating with or maintaining membership in any school-sponsored activity, organization, club or team;*
 - *Selling, using or possessing obscene material;*
 - *Using vulgar or abusive language, cursing or swearing;*
 - *Smoking a cigarette, e-cigarette, cigar, pipe or using chewing tobacco, smokeless tobacco, or look-alike product; possessing tobacco products including, but not limited to: cigarettes, cigars, chewing tobacco, snuff, look-alikes and lighters;*
 - *Possessing, consuming, under the influence of any amount, selling, distributing or exchanging alcohol or illegal substances including drug paraphernalia. Illegal substances include, but are not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as “designer drugs;”*
 - *Inappropriately possessing, using, selling, sharing prescription and over-the-counter drugs;*
 - *Gambling;*
 - *Engaging in public displays of affection (PDA);*
 - *Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner;*
 - *Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher;*
 - *Having knowledge of, but failing to report, threatened violence or disruptive acts.*
6. Engage in misconduct while on a school bus. It is crucial for students to behave appropriately while riding on district buses to ensure their safety and that of other passengers, and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Examples include, but are not limited to:
- *Excessive noise, pushing, shoving and fighting;*
 - *Unauthorized or inappropriate use of technology on school transportation.*
7. Engage in any form of academic misconduct. Examples of academic misconduct include but are not limited to:
- *Plagiarism;*
 - *Cheating;*
 - *Copying;*
 - *Using an unauthorized electronic device;*
 - *Altering records;*
 - *Accessing other users’ email accounts or network storage accounts and/or attempting to read, delete, modify, or interfere with the transferring and receiving of electronic communications;*
 - *Assisting another student in any of the above actions.*
8. Engage in unauthorized use of personal entertainment/electronic devices. Examples of such unauthorized use include, but are not limited to:
- *Unauthorized use of a cell phone/personal device; use within the classroom is only permitted with teacher or supervisor permission; please keep in mind that cell phone/personal device use at school is a privilege not a right;*

- *Use of a laser pointer;*
- *Photographing, videotaping or voice recording any student or staff member without their knowledge and permission;*
- *Transmitting a photograph, video tape or voice recording of a student or staff member without their knowledge and permission;*
- *Use of a camera or videotaping device in a locker room, bathroom or nurse's office.*

CONSEQUENCES OF INAPPROPRIATE BEHAVIOR

It is the policy of the Franklinville Schools to remediate situations which may occur by a positive application of resources whenever possible. However, student misconduct may be dealt with through any or all of the approaches listed below:

1. Verbal reprimand;
2. Counseling;
3. Written notification;
4. Detention (After School);
5. Loss of privilege to eat lunch in cafeteria;
6. Academic/Athletic Probation as per athletic code of conduct;
7. Restitution for damaged property in accordance with the law;
8. Suspension of privileges, such as driving to school, permission to possess a cell phone on school grounds;
9. Suspension from transportation, athletic participation, social or extra-curricular activities;
10. Suspension from a particular class for infractions which related specifically to that class;
11. Alternative Learning Center assignment 1-5 days;
12. Out of school suspension 5 days or greater (suspensions greater than 5 days would be the result of the superintendent's recommendation after a superintendent's disciplinary hearing)

Out of school suspension is given by the principal for up to five school days during which time students may not be on school property. The parent is notified of the action and must accompany the student to school for re-admittance. At that time a conference will be held.

TERMS OF SUSPENSION

A student who has been suspended in-house/externally from school is suspended not only from classes, but also from participating in all school-related functions and activities (e.g., sports, clubs, etc.); and the suspension remains in effect when school is in recess. An externally suspended student may not be in or around the school or present at an off campus activity involving an athletic team, performance, etc. during the term of suspension. To be found in the building, the campus, or at a school-related activity without permission from an administrator will result in serious consequences.

GRIEVANCES

If you feel you have been wrongly treated by a staff member, your first appeal should be in writing to the Building Principal or his/her designee.

ANTI-HARASSMENT POLICY

The Board of Education affirms its commitment to nondiscrimination and recognizes its responsibility to provide an environment that is free of harassment and intimidation.

Harassment is a violation of law and stands in direct opposition to District policy. Therefore, the Board prohibits and condemns all forms of harassment on the basis of race, color, creed, religion, national origin, political affiliation, sex, sexual orientation, age, marital or veteran status, or disability by employees, school volunteers, students, and non-employees such as contractors and vendors as well as any third parties who are participating in, observing, or otherwise engaging in activities subject to the supervision and control of the District.

Sexual orientation is defined as heterosexuality, homosexuality, bisexuality, transgender or asexuality, whether actual or perceived.

The Board also prohibits harassment based on an individual's opposition to discrimination or participation in a related investigation or complaint proceeding under the anti-discrimination statutes.

This policy of nondiscrimination and anti-harassment will be enforced on School District premises and in school buildings; and at all school-sponsored events, programs and activities, including those that take place at locations off school premises.

It is intended that this policy apply to the dealings between or among employees with employees; employees with students; students with students; employees/students with vendors/contractors and others who do business with the School District, as well as school volunteers, visitors, guests and other third parties. All of these persons are hereinafter referred to collectively as "the named group."

For purposes of this policy, harassment shall mean communication (verbal, written or graphic) and/or physical conduct based on an individual's actual or perceived race, color, creed, religion, national origin, political affiliation, sex, sexual orientation, age, marital or veteran status, or disability that:

- a) Has the purpose or effect of substantially or unreasonably interfering with an individual's work performance or is used as a basis for employment decisions (including terms and conditions of employment) affecting such individual; and/or creates an intimidating, hostile or offensive work environment;
- b) Has the purpose or effect of substantially or unreasonably interfering with a student's academic performance or participation in an educational or extra-curricular activity, or creates an intimidating, hostile or offensive learning environment; and/or effectively bars the student's access to an educational opportunity or benefit;
- c) Otherwise adversely affects the employment and/or educational opportunities and benefits provided by the District

The School District will act to promptly investigate all complaints either, verbal or written, formal or informal, of allegations of harassment based on any of the characteristics described above; and will promptly take appropriate action to protect individuals from further harassment.

In order for the Board to enforce this policy, and to take corrective measures as may be necessary, it is essential that any employee, student, or other member of the above named group who believes he/she has been a victim of harassment in the school environment and/or at programs, activities and events under the control and supervision of the District, as well as any individual who is aware of and/or who has knowledge of, or witnesses any possible occurrence of harassment, immediately report such alleged harassment; such report shall be directed to or forwarded to the District's designated complaint officer(s) through informal and/or formal complaint procedures as developed by the District. Such complaints are recommended to be in writing, although verbal complaints of alleged harassment will also be promptly investigated in accordance with the terms of this policy. In the event that the complaint officer is the alleged offender, the report will be directed to the next level of supervisory authority.

Upon receipt of an informal/formal complaint, the District will conduct a thorough investigation of the charges. However, even in the absence of an informal/formal complaint, if the District has knowledge of any occurrence of harassment, the District will investigate such conduct promptly and thoroughly.

To the extent possible, within legal constraints, all complaints will be treated as confidentially and privately as possible. However, disclosure may be necessary to complete a thorough investigation of the charges and/or to notify law enforcement officials as warranted, and any disclosure will be provided on a "need to know" basis.

Based upon the results of this investigation, if the District determines that an employee and/or student has violated the terms of this policy and/or accompanying regulations, immediate corrective action will be taken as warranted. Should the offending individual be a student, appropriate disciplinary measures will be applied, up to and including suspension, in accordance with applicable laws and/or regulations, District policy and regulation, and the District Code of Conduct? Should the offending individual be a school employee, appropriate disciplinary measures will be applied, up to and including termination of the offender's employment, in accordance with legal guidelines, District policy and regulation, and the applicable collective bargaining agreement(s)? Third parties (such as school volunteers, vendors, etc.) who are found to have violated this policy and/or accompanying regulations and/or the Code of Conduct, will be subject to

appropriate sanctions as warranted and in compliance with law. The application of such disciplinary measures by the District does not preclude the filing of civil and/or criminal charges as may be warranted.

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of harassment. Follow-up inquiries shall be made to ensure that harassment has not resumed and that all those involved in the investigation of the harassment complaint have not suffered retaliation.

Regulations will be developed for reporting, investigating, and remedying allegations of harassment based on the characteristics described above. An appeal procedure will also be provided to address any unresolved complaints and/or unsatisfactory prior determinations by the applicable complaint officer(s). Such regulations will be developed in accordance with federal and state law as well as any applicable collective bargaining agreement(s).

The Superintendent/designee(s) will affirmatively discuss the topic of harassment with all employees and students, express the District's condemnation of such conduct, and explain the sanctions for such harassment. Appropriate training and/or "awareness" programs will be established for staff and students to help ensure knowledge of and familiarity with the issues pertaining to harassment in the schools, and to disseminate preventative measures to help reduce such incidents of prohibited conduct. Furthermore, special training will be provided for designated supervisors and managerial employees, as may be necessary, for the investigation of harassment complaints.

A copy of this policy and its accompanying regulations will be available upon request and may be posted at various locations in each school building. The District's policy and regulations on anti-harassment will be published in appropriate school publications such as teacher/employee handbooks, student handbooks, and/or school calendars.

This policy should not be read to abrogate other District policies and/or regulations or the District Code of Conduct prohibiting other forms of unlawful discrimination, inappropriate behavior, and/or hate crimes within this District. It is the intent of the District that all such policies and/or regulations are read consistently to provide the highest level of protection from unlawful discrimination in the provision of employment/ educational services and opportunities.

However, different treatment of any member of the above named group which has a legitimate, legal and nondiscriminatory reason shall not be considered a violation of District policy.

SEXUAL HARASSMENT POLICY (STUDENTS)

The Board of Education affirms its commitment to equal opportunity and nondiscrimination and recognizes its responsibility to provide for all District students an environment that is free of discrimination and harassment based on sex (with or without sexual conduct), race, color, creed, national origin, age, disability or other category protected by law.

The District also does not tolerate any actual or attempted reprisals or retaliation against a student who raises a sincere and valid concern regarding harassment or discrimination. All such discrimination, harassment, and/or retaliation is, therefore, strictly prohibited by the District. Anyone engaging in such conduct is subject to disciplinary action up to and including discharge.

HARASSMENT PROHIBITED - DEFINITION:

As used in this policy, the term "harassment" refers to conduct relating to or based upon a person's race, color, religion, sex, gender, age, national origin, disability or other category protected by law which fails to respect the dignity and feelings of the individual. Harassment that is forbidden by this policy can take several forms, including but not limited to:

- (1) Sexual harassment. The legal definition of sexual harassment of a student under Title IX of the Education Amendments of 1972 is: "Verbal or physical conduct of sexual nature, imposed on the basis of sex, by an employee or agent of a recipient (of federal aid) or other student that denies, limits, provides different, or conditions the provision of aid, benefits, services or treatment protected under Title IX."

There are two types of harassment: quid pro quo harassment and hostile environment harassment. Quid pro quo harassment occurs when some benefit, such as grade, credit, graduation, or other benefit, is conditioned upon receipt of sexual favors, or when some punishment will result from refusing to comply with a demand for sexual favors. Hostile

environment harassment occurs when conduct of a sexual nature is sufficiently severe, persistent, or pervasive that it has the purpose or effect of unreasonably interfering with a student's performance or ability to benefit from his/her education, or creates an intimidating, hostile, offensive, or abusive school environment. The District will not tolerate sexual harassment between members of the same or opposite sex.

Prohibited sexual harassment includes, but is not limited to, requests for sexual favors and other verbal, visual or physical conduct of a sexual nature when:

- Submission to the conduct is explicitly or implicitly made a term or condition of a student's academic status or progress;
- Submission to or rejection of the conduct by a student is used as the basis for academic decisions affecting the student;
- The conduct has the purpose or effect of having a negative impact on the student's academic performance, unreasonably interfering with the individual's education, or creating an intimidating, hostile, or offensive educational environment;
- Submission to or rejection of the conduct by the student is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the school.

Types of conduct which are prohibited in the District and which may constitute sexual harassment include, but are not limited to:

- Verbal conduct such as making or using sexually derogatory comments, epithets, slurs or jokes, making graphic verbal comments about an individual's body or appearance;
- Unwelcome sexual flirtations or propositions for sexual activity or unwelcome demands for or suggestions of sexual favors, including but not limited to repeated unwelcome requests for dates;
- Spreading sexual rumors;
- Touching an individual's body or clothes (including one's own) in a sexual way, including, but not limited to grabbing, brushing against, patting, pinching, bumping, rubbing, kissing, and fondling;
- Cornering or blocking of normal movements;
- Displaying sexually suggestive drawings, images, pictures, written materials, and objects in the educational environment, regardless of the medium;
- Any act of retaliation against an individual who reports a violation of the District's sexual harassment policy or who participates in the investigation of a sexual harassment complaint

Some conduct, even though consensual, may violate the harassment policy because it creates a hostile environment for others, e.g., a third-party overhearing a joke. Although sexual harassment is limited to unwelcome actions, private, personal, consensual conduct may at some point become unwelcome. This also pertains to the District's prohibition of Public Displays of Affection. Students who participate in a consensual relationship and who at some point wish to discontinue the relationship, should tell the other participant, either verbally or in writing, that the conduct is no longer welcome and, therefore, must cease. Any person advised that conduct previously acceptable to a student is now unwelcome must cease such conduct immediately. Any conduct of a sexual nature following such notice may be determined to be sexual harassment.

Employees are hereby placed on notice that if an employee engages in acts which the District determines to be acts of sexual or other harassment; such acts are outside of the course and scope of the employee's employment. Such conduct may result in the employee having to obtain his or her own legal counsel; sexual harassment or unlawful discrimination may result in a monetary judgment against the employee personally, or the filing of criminal charges.

(2) Harassment Based on Race, Color, Religion, National Origin, Age, Marital Status, Disability or Other Category Protected by Law.

Harassment based on race, color, religion, national origin, age, marital status, disability or any other category protected by law can include any verbal, written, or physical act in which such protected categories are used to make a student uncomfortable at school, or interferes with a student's performance ability to benefit from his/her education, or creates an intimidating, hostile, offensive or abusive school environment. Harassment based on race, color, religion, national origin,

age, marital status, or any other category protected by law may take many forms. While it is impossible for the District to provide an exhaustive list, the following is a list of some examples of harassing behavior that the District will not tolerate:

- Jokes that refer to gender, race, color, religion, national origin, age, marital status, disability or any other category protected by law;
- Posting or distributing cartoons, drawings, or any other material that negatively reflects a person's race, color, religion, national origin, age, marital status, disability or any other category protected by law;
- The use of slurs or other offensive language;
- Practical jokes, horseplay, or teasing that makes fun of or insults a person's race, color, religion, national origin, disability, age, marital status, or membership in any other category protected by law;
- Any act of retaliation against an individual who reports a violation of this policy or who participates in the investigation of a complaint made pursuant to this policy

REPORTING, INVESTIGATING, AND HANDLING OF DISCRIMINATION, HARASSMENT AND RETALIATION

Any student who believes he or she is a victim of discrimination, harassment and/or retaliation by any individual, including any student, teacher, or other employee of the District, who has knowledge of an incident(s) involving discrimination, harassment and/or retaliation of a student(s), must report all incident(s) of such conduct to the District's designated Title IX Complaint Officers or, if not possible, to any other District Administrator.

The Complaint Officers are also responsible for educating students and employees about this policy. All District employees must report any allegations of, or indications of, discrimination or harassment of which they are aware to the Complaint Officer immediately, but no later than five (5) school days. If an employee receives a complaint and it is not clear whether it involves discrimination or harassment, the employee shall report it to a Complaint Officer, who will determine whether the complaint is one to be handled pursuant to this policy. District employees who become aware of a potential complaint also must instruct students that they may file a complaint with a Complaint Officer. In the event that one Complaint Officer is the alleged offender, then the other Complaint Officer shall be contacted. In addition, in any case in which a Complaint Officer deems it appropriate, he or she may appoint a designee to handle or assist with the handling of a complaint. In the remainder of this policy or its accompanying regulations any reference to the Complaint Officer also includes a designee.

Upon receipt of an informal/formal complaint, a Complaint Officer or a designee will conduct a prompt investigation of the charges. However, if a Complaint Officer has knowledge of or has reason to know of any alleged harassment, the District is obligated, even in the absence of a formal complaint, to consider and investigate such conduct promptly and thoroughly, unless there are extenuating circumstances.

Based upon the results of the District's investigation, immediate and corrective action will be taken, including but not limited to, discipline, training, or other remedial measures; transfer of students or employees may also be affected. Such action taken with respect to students may include, but is not limited to, warning, detention, in and out-of-school suspension, transfer to alternative school, or other disciplinary action by the District, consistent with the requirements of applicable procedures of the Student Code of Conduct and the Education Law.

Employees are hereby placed on notice that if an employee engages in acts which the District determines to be acts of discrimination, harassment or retaliation, such acts are outside of the course and scope of the employee's employment. Discipline of employees may include, but is not limited to warning, reprimand, fine, suspension and termination consistent with applicable laws and collective bargaining agreements. Such conduct may result in the employee having to obtain his or her own legal counsel, result in a money judgment against the employee personally, or the filing of criminal charges.

The Board prohibits any retaliatory behavior directed against complainants and/or witnesses. Any such retaliation may result in discipline up to and including discharge. Complainants or witnesses experiencing retaliation from anyone should report it to a Complaint Officer immediately.

The District encourages the filing of good faith complaints. However, the filing of knowingly false complaints is prohibited. A student who knowingly makes a false complaint of any form against any other person shall be subject to

discipline, including, but not limited to, a warning, detention, in or out of school suspension, transfer to an alternative school, or other disciplinary action by the District, consistent with the requirements of applicable procedures of the Student Code of Conduct and the Education Law.

A copy of this policy and its accompanying regulation shall be posted in appropriate places and be made available to all students.

ANTI-HARASSMENT REGULATION

A student who feels he/she is being harassed by peers or by a staff member, or is aware of the harassment of another student(s), shall report such incidents to a building administrator, counselor, teacher, school psychologist, school social worker, teacher aide, etc.

Any staff member receiving a student's report, a parent's report, or observing an incident of alleged harassment will examine the circumstances surrounding the alleged incident. If the receiving staff determines that harassment has occurred, they will take steps to end harassment.

In the event that the nature and magnitude of the incident(s) warrant further follow-up measures, staff/faculty members will report charges of harassment to the building principal or his/her designee. The building principal or his/her designee will initiate a further investigation of the harassment charges and implement follow-up measures, which he/she believes are appropriate. Should the investigation of the harassment incident(s) reveal that disciplinary action is warranted, it will be taken into accordance with the policies and procedures adopted by the Board of Education including Policies 7550-7553, *Complaints and Grievances by Students*.

IMPLEMENTATION – Families of all currently enrolled students will be provided with a copy of the student anti-harassment regulation. Thereafter, a copy of the student anti-harassment regulation shall be given to each family on initial enrollment in the school district of Franklinville. High school students will provide written evidence of receiving the student handbook including the student anti-harassment regulation and that they have been advised to review its contents. Parents shall be informed annually of the existence of this regulation in such manner as directed by the Board of Education.

BULLYING POLICY - (PEER ABUSE IN THE SCHOOLS)

The Board of Education is committed to providing a safe and productive learning environment within its schools. Bullying of a student by another student is strictly prohibited on school property, in school buildings, on school buses, and at school sponsored events and/or activities whether occurring on or off campus. The Board of Education shall require the prohibition of bullying - along with the range of possible intervention activities and/or sanctions for such misconduct - to be included in the District Code of Conduct for all grade levels.

For purposes of this policy, the term "bullying" among children is defined, in general, as:

"a variety of negative acts carried out repeatedly over time. It involves a real or perceived imbalance of power, with a more powerful child or group attacking those who are less powerful."

Bullying can take three forms:

- a) Physical (including, but not limited to, hitting, kicking, spitting, pushing, taking personal belongings);
- b) Verbal (including, but not limited to, taunting, malicious teasing, name calling, making threats); and
- c) Psychological (including, but not limited to, spreading rumors; manipulating social relationships; or engaging in social exclusion, extortion, or intimidation)

Bullying may also occur as various forms of harassment and/or hazing of students by other students (including "pledging" and/or a student's initiation into or affiliation with a school or student related organization or team).

The District also prohibits "Internet bullying" (also referred to as "cyber-bullying") including the use of instant messaging, email, web sites, blogs, cell phone, gaming systems, chat rooms, and text messaging when such use is subject but not limited to being on school grounds and/or at school functions by student, teachers, other school personnel and visitors. Cyber bullying is a form of electronic aggression and that both it and sexting are inappropriate and will not be tolerated on school grounds or at school-sponsored events or functions, using either school or personal information technology

equipment. If said actions interferes with the operation of the school; or infringes upon the general health, safety and welfare of District student or employees. Disciplinary or referral actions can occur.

The NYSED VADIT Glossary of Terms defines Intimidation, Harassment, Menacing and Bullying (IHMB) as “threatening, stalking or seeking to coerce or compel a person to do something; intentionally placing or attempting to place another person in fear of imminent physical injury; or engaging in verbal or physical conduct that threatens another with harm, including intimidation through the use of epithets or slurs involving race, ethnicity, national origin, religion, religious practices, gender, sexual orientation, age or disability that substantially disrupts the education process”(8 NYCRR § 120.2[gg][1][vi][j]).

Cyber bullying is “the repeated use of information technology, including e-mail, instant message, blogs, chat rooms, pagers, cell phones, and gaming systems, to deliberately harass, threaten or intimidate others.” Cyber bullying, unlike physical bullying, does not provide an option for its victims to walk away.

Cyber bullying is a form of electronic aggression and that both it and sexting are inappropriate and will not be tolerated on school grounds or at school-sponsored events or functions, using either school or personal information technology equipment.

Disciplinary or referral actions include the following:

- Referral to counseling;
- Teacher removal (formal 3214 hearing);
- Suspension from class or activities; in-school equivalent of one full day; activities or transportation for five (5) consecutive school days;
- Out of school suspension; equivalent of one full day;
- Transfer to alternative setting; or
- Transfer to law enforcement

However, it is important to note that a single negative act as enumerated above may also constitute "bullying" (if not more serious misconduct) based upon the particular circumstances such as the seriousness of the act and/or the intent of the actor.

Any student who believes that he/she is being subjected to bullying behavior, as well as any other person who has knowledge of or witnesses any possible occurrence of bullying, shall report the bullying to any staff member or the building principal. The staff member/building principal to whom the report is made (or the staff member/building principal who witnesses bullying behavior) shall investigate the complaint and take appropriate action to include, as necessary, referral to the next level of supervisory authority and/or other official designated by the District to investigate allegations of bullying. Investigation of allegations of bullying shall follow the procedures utilized for complaints of harassment within the School District. Allegations of bullying shall be promptly investigated and will be treated as confidential and to the extent possible within legal constraints.

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of allegations of bullying. Follow-up inquiries and/or appropriate monitoring of the alleged bully and victim shall be made to ensure that bullying behavior has not resumed and that all those involved in the investigation of allegations of bullying have not suffered retaliation.

Personnel at all levels are responsible for taking corrective action to prevent bullying behavior of which they have been made aware at School District sites or activities and/or reporting such behavior to their immediate supervisor. Further, staff training shall be provided to raise awareness of the problem of bullying within the schools and to facilitate staff identification of and response to such bullying behavior among students.

Prevention and intervention techniques within the District to prevent against bullying behavior and to support and protect victims shall include building-level and classroom-level strategies and activities as determined by administration. Individual intervention will be provided by appropriate staff members to bullies, victims and their parents to help ensure that the bullying stops.

Rules against bullying shall be publicized District-wide and shall be disseminated as appropriate to staff, students and parents. Disciplinary sanctions for violation of this policy shall be outlined in the District Code of Conduct as enumerated above and may also be incorporated in staff and student handbooks.

NETWORK AND INTERNET ACCESS

- The use of school computers is a privilege, which may be taken away if the student uses computers, the network, or the Internet improperly – or causes damage to computer hardware or software;
- The school will remove any material from school computers that is not conducive to the educational mission or is not good for students (i.e. objectionable material);
- The school will limit access to Internet sites that it deems objectionable;
- Students will not install unauthorized software or download unauthorized files on school computers;
- The computers are to be used only for schoolwork as directed by the teacher and/or staff;
- Each student is responsible for good behavior while using computers and/or the network;
- The same rules that apply with regard to common courtesy and respect for people and property also apply with regard to use of the school computer network and the Internet;
- Improper use will lead to computer privileges being taken away from the student;
- The student use of the Internet will be monitored by a teacher or staff member;
- The District has the right to review (or monitor) all activities;
- E-mail correspondences and material created by students on school computers are considered property of the district.

VII. STUDENT USE OF ELECTRONIC COMMUNICATION DEVICES

Students are prohibited from using or having on or in an operational mode any paging device, mobile telephone, cellular telephone, laser pointer or pen or any other type of telecommunications or imaging device during instructional time, except as expressly permitted in connection with authorized use in classrooms. While students are permitted to possess such devices during the school day, they are prohibited from using them in any manner which invades the privacy of students, employees, volunteers or visitors. Students are not permitted to use any form of information technology, including their own personal electronic devices, to intimidate, harass or threaten others. This type of harassment is generally referred to as cyber bullying. If a student violates this prohibition, then he/she is subject to discipline under this provision and/or any other provision in the District *Code of Conduct* that may be applicable to the circumstances involved. Any electronic device that is permitted on school property is encouraged to be kept on the person and in a concealed manner.

Teachers and all other Board personnel should exemplify and reinforce acceptable student dress and behavior (including possession/use of electronic devices) and help students develop an understanding of appropriate appearance and conduct in the school setting.

VIII. REPORTING VIOLATIONS

All students are expected to promptly report violations of the Code of Conduct to a teacher, guidance counselor, the building principal or his/her designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to a teacher, the building principal, the principal's designee or to the superintendent. An anonymous Helpline will be established for reporting incidents of bullying, harassment, or concerns about a student who may be harmful to himself /herself or others.

All district staff that is authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. District staff that are not authorized to impose disciplinary sanctions are expected to promptly report violations of the Code of Conduct to their supervisor, who shall in turn, impose an appropriate disciplinary sanction, if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate sanction.

Any weapon, alcohol or illegal substance found shall be confiscated immediately, if possible, followed by notification to the parent of the student involved and the appropriate disciplinary sanction if warranted, which may include permanent suspension and referral for prosecution.

The building principal or his/her designee must notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a school as soon as practical, but in no event, later than the close of business the day the principal or his/her designee learns of the violation. The notification may be made by telephone, followed by a letter mailed on same day as the telephone call is made. The notification must identify the student and explain the conduct that violated the Code of Conduct and constituted a crime. All students and district staff are expected to promptly report any discrimination, harassment and/or bullying situation to the Dignity Act Coordinator of that school building. The Dignity Act Coordinator will collect and record all incidences of discrimination, harassment and bullying. This reporting mechanism may help form the basis for collecting data that can be useful in assessing school.

IX. DISCIPLINARY PROCEDURES, REFERRALS, AND CONSEQUENCES

Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that students view as fair and impartial. School personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

Disciplinary action, when necessary, will be firm, fair and consistent so as to be the most effective in changing student behavior. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary penalties will consider the following:

- The student's age;
- The student's development level;
- The nature of the offense and the circumstances which led to the offense;
- The student's prior disciplinary record;
- The effectiveness of other forms of discipline;
- Information from parents, teachers and/or others, as appropriate;
- The dangerousness of the act;
- Motive and intent, i.e., culpability;
- Restitution to any aggrieved person, persons or groups, institutions, organizations, etc.;
- The consideration of a victim's rights
- Other extenuating circumstances

If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this Code of Conduct for disciplining students with a disability or presumed to have a disability. A student identified as having a disability shall not be disciplined for behavior related to his/her disability.

A. Consequences

Students who are found to have violated the District's Code of Conduct may be subject to the following consequences, either alone or in combination. The school personnel identified after each consequence are authorized to impose that penalty, consistent with the student's right to due process.

1. Oral warning – any member of the District staff;
2. Written warning – bus drivers, hall and lunch monitors, coaches, guidance counselors, teachers, principal, superintendent;
3. Written notification to parent – bus drivers, hall and lunch monitors, coaches, guidance counselors, teachers, principal, superintendent;
4. Detention – teachers, principal, superintendent;
5. Suspension from transportation – director of transportation, principal, superintendent;
6. Suspension from athletic participation – coaches, athletic director, principal, superintendent;
7. Suspension from social or extra-curricular activities – activity director, principal, superintendent;
8. Suspension of other privileges – principal, superintendent;
9. Alternative Learning Center assignment – principal, superintendent;

10. Removal from classroom by teacher – teachers, principal;
11. Short-term (five days or less) suspension from school – principal, superintendent, Board of Education;
12. Long-term suspension from school – (greater than 5 days) superintendent, Board of Education;
13. Permanent suspension from school – superintendent, Board of Education

B. Procedures

The amount of due process a student is entitled to receive before a consequence is imposed depends on the consequence being imposed. In all cases, regardless of the consequence imposed, the school personnel authorized to impose the consequence must inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary consequence in connection with the imposition of the consequence.

Students who are to be given consequences other than an oral warning, written warning or written notification to their parents are entitled to additional rights before the penalty is imposed. These additional rights are explained below:

1. **Detention** – Teachers, principals and the superintendent may use detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Detention will be imposed as a penalty only after the student’s parent has been notified to confirm that the parents have had the opportunity to discuss the situation and consequence with the building administrator and to ensure the student has appropriate transportation to and from detention should other alternatives not be available.
2. **Suspension from transportation** – If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the building principal’s attention. Students who become a serious disciplinary problem may have their riding privileges suspended by the building principal or the superintendent or their designees. In such cases, the student’s parent will become responsible for seeing that his/her child gets to/from school safely. Should the suspension from transportation amount to a suspension from attendance, the district will make appropriate arrangements to provide for the student’s education. A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student’s parent will be provided with a reasonable opportunity for an informal conference with the building principal or the principal’s designee to discuss the conduct and the consequence involved.
3. **Suspension from athletic participation, extra-curricular activities and other privileges** – A student subjected to a suspension from athletic participation, extra-curricular activities or other privileges is not entitled to a full hearing pursuant to Education Law §3214. However, the student’s parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the suspension to discuss the conduct and the consequence involved.
4. **Alternative Learning Center** – The Board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the board authorizes building principals and the superintendent to place students who would otherwise be suspended from school as the result of a Code of Conduct violation in the Alternative Learning Center (ALC). The ALC teacher will be a certified teacher. A student who is serving in ALC will be provided with assignments from his/her classroom teacher. Those assignments will be completed under the supervision of the ALC teacher.
5. **Teacher disciplinary removal of disruptive students** – A student’s behavior can affect a teacher’s ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student’s behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his/her composure and self-control in an alternative setting. Such practices may include, but are not limited to: (1) short-term “timeout” in an elementary classroom or in an administrator’s office; (2) sending an elementary student into the hallway briefly; (3) sending a student to the principal’s office for the remainder of the class time only; or (4) sending a student to a guidance counselor or other district staff member for counseling. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code. On occasion, a student’s behavior may become disruptive. For purposes of this Code of Conduct, a disruptive student is a student

who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom. A substantial disruption of the educational process or substantial interference with a teacher's authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules. A classroom teacher may remove a disruptive student from class for up to two days. The removal from class applies to the class of the removing teacher *only*. If the disruptive student does not pose a danger or on-going threat of disruption to the academic process, the teacher must provide the student with an explanation for why he/she is being removed and an opportunity to explain his/her version of the relevant events before the student is removed. Only after the informal discussion may a teacher remove a student from class.

If the student poses a danger or ongoing threat of disruption, the teacher may order the student to be removed immediately. The teacher must, however, explain to the student why he/she was removed from the classroom and give the student a chance to present his/her version of the relevant events within 24 hours.

The teacher must complete a district-established disciplinary removal form and meet with the principal or his/her designee as soon as possible, but no later than the end of the school day, to explain the circumstances of the removal and to present the removal form. If the principal or his/her designee is not available by the end of the same school day, the teacher must leave the form with the secretary and meet with the principal or designee prior to the beginning of classes on the next school day.

Within 24 hours after the student's removal, the principal or another district administrator designated by the principal, must notify the student's parents, in writing, that the student has been removed from class and why. The notice must also inform the parent that he/she has the right, upon request, to meet informally with the principal or his/her designee to discuss the reasons for the removal. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the student's removal at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purposes of contacting parents.

If at the informal meeting the student denies the charges, the principal or his/her designee must explain why the student was removed and give the student and the student's parents a chance to present the student's version of the relevant events. The informal meeting must be held within 48 hours of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent and principal.

The principal or his/her designee may overturn the removal of the student from class if the principal finds any one of the following:

- a.) The charges against the student are not supported by substantial evidence;
- b.) The student's removal is otherwise in violation of law, including the District's Code of Conduct;
- c.) The conduct warrants suspension from school pursuant to Education Law 3214 and a suspension will be imposed

The principal or his/her designee may overturn a removal at any point between receiving the referral form issued by the teacher and the close of business on the day following the 48-hour period for the informal conference, if a conference is requested. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the principal makes a final determination, or the period of removal expires, whichever is less. Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities until he/she is permitted to return to the classroom.

Each teacher must keep a complete log (on a district provided form) for all cases of removal of a student from his/her class. The principal must keep a log of all removals of students from class.

Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his or her class until he or she has verified with the

principal or the chairperson of the Committee on Special Education that the removal will not violate the student's rights under state or federal law or regulation.

6. **Suspension from school** - Suspension from school is a severe penalty, which may be imposed only upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others. The Board retains its authority to suspend students, but places primary responsibility for the suspension of students with the superintendent and the building principals.

Any staff member may recommend to the superintendent or the principal that a student be suspended. All staff members must immediately report and refer a violent student to the principal or the superintendent for a violation of the Code of Conduct. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member recommending the suspension. Upon receiving a recommendation or referral for suspension the superintendent or principal shall gather the facts relevant to the matter. These facts shall be recorded for subsequent presentation, if necessary.

- a. **Short-term (5 days or less) suspension from school**

When the superintendent or principal (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214 (3), the suspending authority must immediately notify the student orally.

If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents in writing that the student may be suspended from school. The written notice must be provided by personal delivery, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents of the right to request an immediate informal conference with the principal. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as established by the principal.

The notice and opportunity for an informal conference shall take place before the student is suspended unless the student's presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process. If the student does pose such a danger or threat of disruption, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

After the conference, the principal shall promptly advise the parents in writing of his or her decision. The principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the superintendent within five business days, unless they can show extraordinary circumstances precluding them from doing so.

The superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents are not satisfied with the superintendent's decision, they must file a written appeal to the Board of Education with the district clerk within 10 business days of the date of the superintendent's decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

- b. **Long-term (more than 5 days) suspension from school**

When the superintendent or building principal determines that a suspension for more than five days may be warranted, he or she shall give reasonable notice to the student and the student's parents of their right to a fair hearing. At the hearing the student shall have the right to be represented by counsel, the right to question witnesses against him or her and the right to present witnesses and other evidence on his or her behalf.

The superintendent shall personally hear and determine the proceeding or may, at his or her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him or her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the superintendent. The report of the hearing officer shall be advisory only, and the superintendent may accept all or any part thereof.

An appeal of the decision of the superintendent may be made to the Board that will make its decision based solely upon the record before it. All appeals to the board must be in writing and submitted to the district clerk within 10 business days of the date of the superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The Board may adopt in whole or in part the decision of the superintendent. Final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

c. Permanent suspension

Permanent suspension is reserved for extraordinary circumstances such as where a student's conduct poses a life-threatening danger to the safety and well-being of other students, school personnel or any other person lawfully on school property, transportation vehicle or attending a school function.

C. Minimum Periods of Suspension

1. *Students who bring a weapon to school*

Any student, other than a student with a disability, found guilty of bringing a weapon onto school property will be subject to suspension from school for at least one calendar year.

Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214. The superintendent has the authority to modify the one-year suspension on a case by case basis. In deciding whether to modify the penalty, the superintendent may consider the following:

- a. The student's age;
- b. The student's grade in school;
- c. The student's prior disciplinary record;
- d. The superintendent's belief that other forms of discipline may be more effective;
- e. Input from parents, teachers and/or others;
- f. Other extenuating circumstances

A student with a disability may be suspended only in accordance with the requirements of state and federal law.

2. *Students who commit violent acts other than bringing a weapon to school*

Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for at least five days. If the proposed penalty is the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

3. *Students who are repeatedly substantially disruptive of the educational process or repeatedly substantially interferes with the teacher's authority over the classroom*

Any student, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom, will be suspended from school for at least five days. For purposes of this Code of Conduct, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law §3214 (3-a) and this code on four or more occasions during a semester, or three or more occasions during a trimester. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

D. Referrals

1. Counseling

The Pupil Personnel Services Office shall handle all referrals of students to counseling.

2. PINS Petitions

The District may file a PINS (person in need of supervision) petition in Family Court on any student under the age of 18 who demonstrates that he or she requires supervision and treatment by:

- a. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law;
- b. Engaging in an ongoing or continual course of conduct which makes the student ungovernable or habitually disobedient and beyond the lawful control of the school;
- c. Knowingly and unlawfully possesses inhalants, marijuana or any other illegal substances in violation of Penal Law §221.05. A single violation of §221.05 will be a sufficient basis for filing a PINS petition

3. Juvenile Delinquents and Juvenile Offenders

The superintendent is required to refer the following students to the County Attorney for a juvenile delinquency proceeding before the Family Court:

- a. Any student under the age of 16 who is found to have brought a weapon to school; or
- b. Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law §1.20 (42)

The Superintendent is required to refer students, age 16 and older, or any student 14 or 15 years old who qualifies for juvenile offender status, to the appropriate law enforcement authorities.

X. ALTERNATIVE INSTRUCTION

When a student of any age is removed from class by a teacher or a student of compulsory attendance age is suspended from school pursuant to Education Law §3214, the district will take immediate* steps to provide alternative means of instruction for the student. (*"Immediately" does not mean instantaneously, but it does mean that the district should act promptly, with due regard for the nature and circumstances of the particular case.)

XI. DISCIPLINE OF STUDENTS WITH DISABILITIES

The Board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The Board also recognizes that students with disabilities enjoy certain procedural protections whenever school authorities intend to impose discipline upon them. The board is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations. This Code of Conduct affords students with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state law and regulations.

A. Authorized Suspensions or Removals of Students with Disabilities

1. For purposes of this section of the Code of Conduct, the following definitions apply.

A "suspension" means a suspension pursuant to Education Law §3214.

A "removal" means a removal for disciplinary reasons from the student's current educational placement other than a suspension and change in placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself or herself or others.

An "IAES" means a temporary educational placement for a period of up to 45 days, other than the student's current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student's current individualized education program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitated the IAES placement that are designed to prevent the behavior from recurring.

2. School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:
 - a. The Board, the District (BOCES) superintendent of schools or a building principal may order the placement of a student with a disability into an IAES, another setting or for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior;
 - b. The superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior;
 - c. The superintendent may order additional suspensions or not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement;
 - d. The superintendent may order the placement of a student with a disability in an IAES to be determined by the Committee on Special Education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student carries or possesses a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function:
 - i. "Weapon" means the same as "dangerous weapon" under 18 U.S.C. §930 (g) (w) which includes "a weapon, device, instrument, material or substance, animate or inanimate that is used for, or is readily capable of causing death or serious bodily injury, except...[for] a pocket knife with a blade of less than 2 ½ inches in length";
 - ii. "Controlled substance" means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy;
 - iii. "Illegal drugs" means a controlled substance except for those legally possessed or used under the supervision of a licensed health care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law. Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

B. Change of Placement Rule

1. A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either: a. for more than 10 consecutive school days; or b. for a period of 10 consecutive school days or less

if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.

2. School personnel may not suspend or remove a student with a disability if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal. However, the district may impose a suspension or removal, which would otherwise result in a disciplinary change in placement, based on a pattern of suspensions or removals if the CSE has determined that the behavior was not a manifestation of the student's disability, or the student is placed in an IAES for behavior involving weapons, illegal drugs or controlled substances.

C. Special Rules Regarding the Suspension or Removal of Students with Disabilities

1. The District's Committee on Special Education shall:
 - a. Conduct a functional behavioral assessment(s) to determine why a student engages in a particular behavior, and develop or review a behavioral intervention plan(s) whenever the district is first suspending or removing a student with a disability for more than 10 school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, illegal drugs or controlled substances. If subsequently, a student with a disability who has a behavioral intervention plan and who has been suspended or removed from his or her current educational placement for more than 10 school days in a school year is subjected to a suspension or removal that does not constitute a disciplinary change in placement, the members of the CSE shall review the behavioral intervention plan and its implementation to determine if modifications are necessary;
 - b. If one or more members of the CSE believe that modifications are needed, the school district shall convene a meeting of the CSE to modify such plan and its implementation, to the extent the committee determines necessary;
 - c. Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement
2. The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the school district is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the district is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.
 - a. The superintendent, building principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability;
 - b. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the District had knowledge the student was a student with a disability, the District either:
 - i. conducted an individual evaluation and determined that the student is not a student with a disability; or
 - ii. determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations

If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors.

However, if a request for an individual evaluation is made while such non-disabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal and state law and regulations. Until the expedited evaluation is completed, the non-disabled student who is not a student presumed to have a disability for discipline purposes shall remain in the educational placement determined by the district, which can include suspension.

3. The District shall provide parents with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his/her current educational setting poses a risk of harm to the student or other; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement. The procedural safeguards notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.
4. The parents of a student with a disability subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Education Law.
5. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this code.
6. The removal of a student with a disability other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.
7. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's regulations incorporated into this code.

D. Expedited Due Process Hearings

1. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this code, if:
 - a. The District requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.
 - b. The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.
 - i. During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the district agree otherwise.
 - ii. If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.

2. An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he or she must mail a written decision to the district and the parents within five business days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

E. Referral to Law Enforcement and Judicial Authorities

In accordance with the provisions of IDEA and its implementing regulations:

1. The district may report a crime committed by a child with a disability to appropriate authorities, and such action will not constitute a change of the student's placement.
2. The superintendent shall ensure that copies of the special education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities to whom a crime is reported.
3. All school districts must suspend a student who brings or possesses a firearm at school for a period of not less than one calendar year. The superintendent of schools, district superintendent of schools or community superintendent may modify, in writing, the suspension requirement on a case-by-case basis. See Appeal of R.S., 38 Educ. Dep't Rep. 419 (1998). A superintendent's determination may be appealed to the school board and the commissioner of education (20 USC § 7151(b)(1); § 3214(3)(d)). All school districts must have a policy which requires superintendents to refer students under the age of 16 who have been determined to have brought a firearm to school to the county attorney for a juvenile delinquency proceeding, and students 16 years of age or older to the appropriate law enforcement officials (§ 3214(3)(d); 20 USC § 7151(h)(i)).

XII. CORPORAL PUNISHMENT

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student. *Corporal punishment of any student by any district employee is strictly forbidden.*

However, in situations where alternative procedures and methods that do not involve the use of physical force cannot reasonably be used, reasonable physical force may be used to:

1. Protect oneself, another student, teacher or any person from physical injury;
2. Protect the property of the school or others;
3. Restrain or remove a student whose behavior interferes with the orderly exercise and performance of school district functions, powers and duties, if that student has refused to refrain from further disruptive acts

The district will file all complaints about the use of corporal punishment with the Commissioner of Education in accordance with Commissioner's regulations.

XIII. STUDENT SEARCHES AND INTERROGATIONS

The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the District Code of Conduct. Students are not entitled to any sort of "Miranda"-type warning before being questioned by school officials, nor are school officials required to contact a student's parents before questioning the student. However, school officials will tell all students why they are being questioned. In addition, the board authorizes the superintendent, building principals, the school nurse and district security officials to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the district Code of Conduct. An authorized school official may conduct a search of a student's belongings that is minimally intrusive, such as touching the outside of a book bag, without reasonable suspicion, so long as the school official has a legitimate reason for the very limited search.

An authorized school official may search a student or the student's belongings based upon information received from a reliable informant. Individuals, other than the district employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or they provide the same information that is received independently from other sources, or they appear to be credible and the

information they are communicating relates to an immediate threat to safety. District employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

Before searching a student or the student's belongings, the authorized school official should attempt to get the student to admit that he or she possesses physical evidence that they violated the law or the District code, or get the student to voluntarily consent to the search.

Searches will be limited to the extent necessary to locate the evidence sought. Whenever practicable, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched.

A. Student Locker, Desks and other School Storage Places

The rules in this Code of Conduct regarding searches of students and their belongings do not apply to student lockers, desks, and other school storage places. Students have no reasonable expectation of privacy with respect to these places and school officials retain complete control over them. This means that, student lockers, desks and other school storage places may be subject to search at any time by school officials, without prior notice to students and without their consent.

B. Strip Searches

A strip search is highly intrusive. Under no circumstances will the Franklinville Central School District conduct a strip search.

C. Documentation of Searches

The authorized school official conducting the search shall be responsible for promptly recording the following information about each search:

1. Name, age and grade of student searched;
2. Reasons for the search;
3. Name of any informant(s);
4. Purpose of search (that is, what item(s) were being sought);
5. Type and scope of search;
6. Person conducting search and his or her title and position;
7. Witnesses, if any, to the search;
8. Time and location of search;
9. Results of search (that is, what item(s) were found);
10. Disposition of items found;
11. Time, manner and results of parental notification

The building principal or the principal's designee shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. The principal or his or her designee shall clearly label each item taken from the student and retain control of the item(s), until the item is turned over to the police. The principal or his or her designee shall be responsible for personally delivering dangerous or illegal items to police authorities.

D. Police Involvement in Searches and Interrogations of Students

District officials are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. Police officials, however, have limited authority to interview or search students in schools or at school functions, or to use school facilities in connection with police work. Police officials may enter school property or a school function to question or search a student or to conduct a formal investigation involving a student only if they have:

1. A search or an arrest warrant; or
2. Probable cause to believe a crime has been committed on school property or at a school function; or
3. Been invited by school officials.

Before police officials are permitted to question or search any student, the building principal or his or her designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted. The principal or designee will also be present during any police questioning or search of a student on school property or at a school function.

Students who are questioned by police officials on school property or at a school function will be afforded the same right they have outside the school. This means:

1. They must be informed of their legal rights;
2. They may remain silent if they so desire;
3. They may request the presence of an attorney

NOTE: In the event that there is a School Resource Officer assigned to the district, he/she may be involved in all aspects of searches, interrogations and investigations.

E. Child Protective Services Investigations

Consistent with the District's commitment to keep students safe from harm and the obligation of school officials to report to child protective services when they have reasonable cause to suspect that a student has been abused or maltreated, the District will cooperate with local Child Protective Services workers who wish to conduct interviews of students on school property relating to allegations of suspected child abuse, and/or neglect, or custody investigations.

All requests by Child Protective Services to interview a student on school property shall be made directly to the building principal or his or her designee. The principal or his or her designee shall set the time and place of the interview. The principal or designee shall decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations. If the nature of the allegations is such that it may be necessary for the student to remove any of his or her clothing in order for the Child Protective Services worker to verify the allegations, the school nurse or other district medical personnel must be present during that portion of the interview. No student may be required to remove his or her clothing in front of a Child Protective Services worker or school District official of the opposite sex.

A Child Protective Services worker may not remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to danger of abuse if he or she were not removed from school before a court order can reasonably be obtained. If the worker believes the student would be subject to danger of abuse, the worker may remove the student without a court order and without the parent's consent.

XIV. VISITORS TO THE SCHOOLS

The Board encourages parents and other District citizens to visit the district's schools and classrooms to observe the work of students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The building principal or his or her designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

1. Anyone who is not a regular staff member or student of the school will be considered a visitor;
2. All visitors to the school must report to the office of the principal upon arrival at the school. There they will be required to sign the visitor's register and will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the principal's office before leaving the building;
3. Visitors attending school functions that are open to the public, such as parent teacher organization meetings or public gatherings, are not required to register after regular attendance hours;
4. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s), so that class disruption is kept to a minimum;
5. Teachers are expected not to take class time to discuss individual matters with visitors;
6. Any unauthorized person on school property will be reported to the principal or his or her designee; unauthorized persons will be asked to leave. The police may be called if the situation warrants.
7. All visitors are expected to abide by the rules for public conduct on school property contained in this Code of Conduct.

XV. PUBLIC CONDUCT ON SCHOOL PROPERTY

The District is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions. For purposes of this section of the code, "public" shall mean all persons when on school property or attending a school function including students, teachers and district personnel.

The restrictions on public conduct on school property and at school functions contained in this code are not intended to limit freedom of speech or peaceful assembly. The district recognizes that free inquiry and free expression are indispensable to the objectives of the District.

The purpose of this code is to maintain public order and prevent abuse of the rights of others. All persons on school property or attending a school function shall conduct themselves in a respectful and orderly manner. In addition, all persons on school property or attending a school function are expected to be properly attired for the purpose they are on school property.

A. Prohibited Conduct

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so;
2. Intentionally damage or destroy school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson;
3. Disrupt the orderly conduct of classes, school programs or other school activities;
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program;
5. Intimidate, harass or discriminate against any person on the basis of race, color, creed, national origin, religion, age, gender, sexual orientation or disability;
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed;
7. Obstruct the free movement of any person in any place to which this code applies;
8. Violate the traffic laws, parking regulations or other restrictions on vehicles;
9. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, inhalants, tobacco or be under the influence of any on school property or at a school function;
10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district;
11. Loiter on or about school property;
12. Gamble on school property or at school functions;
13. Refuse to comply with any reasonable order of identifiable school district officials performing their duties;
14. Willfully incite others to commit any of the acts prohibited by this code;
15. Violate any federal or state statute, local ordinance or board policy while on school property or while at a school function

B. Consequences

Persons who violate this code shall be subject to the following consequences:

1. *Visitors.* Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection.
2. *Students.* They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
3. *Tenured faculty members.* They shall be subject to disciplinary action as the facts may warrant, in accordance with Education Law §3020-a, or any other legal rights that they may have.
4. *Staff members in the classified service of the civil service entitled to the protection of Civil Service Law §75.* They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law §75 or any other legal rights that they may have.
5. *Staff members other than those described in subdivisions 4 and 5.* They shall be subject to a warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

C. Enforcement

The building principal or his or her designee shall be responsible for enforcing the conduct required by this code. When the building principal or his or her designee sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the principal or his or her designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The principal or his or her designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the principal or his or her designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person.

The District shall initiate disciplinary action against any student or staff member, as appropriate, with the "Consequences" section above. In addition, the District reserves its right to pursue a civil or criminal legal action against any person violating the code.

XVI. PUBLICATION, DISTRIBUTION, AND REVIEW

A. Dissemination of Code of Conduct

The Board will work to ensure that the community is aware of this code of conduct by:

1. Providing copies of a summary of the code to all students, in an age-appropriate, plain language version, at a general school assembly held at the beginning of each school year;
2. Making copies of the code available to all parents at the beginning of the school year;
3. Providing a summary of the Code of Conduct written in plain language to all parents of district students before the beginning of the school year and making this summary available later upon request;
4. Providing all current teachers and other staff members with a copy of the code and a copy of any amendments to the code as soon as practicable after adoption;
5. Providing all new employees with a copy of the current Code of Conduct when they are first hired;
6. Making copies of the code available for review by student, parents and other community members

The Board will sponsor an in-service education program for all district staff members to ensure the effective implementation of the Code of Conduct. The superintendent may solicit the recommendations of the district staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students.

XVII. ADDENDUMS TO CODE OF CONDUCT POLICY #20 HAZING ADDENDUM

The Board of Education recognizes that hazing of students and staff is abusive and illegal behavior that harms victims and negatively impacts the school culture by creating an environment of fear, distrust, intimidation and intolerance. The Board further recognizes that preventing and remedying hazing in schools is essential to ensure a healthy environment in which students can learn and employees can work productively.

The Board is committed to providing an educational and working environment that promotes respect, dignity and equality and that is free from all forms of hazing. To this end, the Board condemns and strictly prohibits all forms of hazing on school grounds, school buses and at all school-sponsored activities, programs and events including those that take place at locations outside the district.

I. GENERAL STATEMENT OF POLICY

- A. No student, teacher, administrator, volunteer, contractor or other employee of the school District shall plan, direct, encourage, aid or engage in hazing;
- B. No teacher, administrator, volunteer, contractor or other employee of the school District shall permit, condone or tolerate hazing;
- C. Apparent permission or consent by a person being hazed does not lessen the prohibitions contained in this policy or the enforcement of this policy;
- D. This policy applies to behavior directly connected to school activities that occur on or off school property and before, during, and after school hours;

E. A person who engages in an act that violates school policy or law shall be subject to discipline for that act

Hazing Definitions

“Hazing” means committing an act against another person, or coercing another person into committing an act, that creates a risk of emotional, physical or psychological harm to a person, in order for the person to be initiated into or affiliated with a school related organization*, or for any other purpose. The term hazing includes, but is not limited to:

1. Any humiliating, degrading or dangerous activity demanded of a student to join a group, regardless of the student's willingness to participate (conduct has the potential to endanger the mental or physical health or safety of a student);
2. Any hurtful, aggressive, destructive or disruptive behavior such as striking, whipping, sleep deprivation, restraint or confinement, calisthenics or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;
3. Substance Abuse- use or abuse of tobacco, alcohol or illegal drugs;
4. Any activity that intimidates or threatens the student with ostracism, that subjects a student to emotional, physical or psychological stress, embarrassment, shame or humiliation that adversely affects the health or dignity of the students or discourages the student from remaining in school
5. Any activity that causes or requires the student to perform a task or act that involves violation of state or federal law or of school district policies or regulations

Reporting Complaints

In order for the Board to effectively enforce this policy and to take prompt corrective measures, it is essential that all victims of hazing, and persons with knowledge of hazing report the incident immediately. The District will promptly investigate all complaints of hazing formal or informal, verbal or written. To the extent possible, all complaints will be treated in a confidential manner. Limited disclosure may be necessary to complete a thorough investigation.

Investigation/Resolution

If, after appropriate investigation, the district finds that a student, an employee or a third party including parent/guardian has violated this policy, prompt corrective action will be taken in accordance with the applicable collective bargaining agreement, district policy and state and federal law.

All complainants and those who participate in the investigation of a complaint of hazing, have the right to be free from retaliation of any kind. The complainant will be notified of the outcome of the investigation.

The Superintendent of Schools is required to develop and implement regulations for reporting, investigating and remedying allegations of hazing. These regulations are to be attached to this policy. Training programs shall be presented to students and employees to raise awareness of the issues surrounding hazing, and to implement preventive measures to help reduce incidents of hazing. Parents will be informed of this policy and the District’s efforts to provide training to students and staff.

This policy shall be posted in a prominent place in each district facility and shall also be published in student registration materials, student, parent and employee handbooks, and other appropriate school publications.

*"Student organization" means a group, club, or organization having students as its primary members or participants. It includes grade levels, classes, teams, activities or particular school events, a student organization does not have to be an official school organization to come within the terms of this definition.

Reference:

Title VII, Civil Rights Act of 1964
Title IX, Civil Rights Act of 1964
N.Y. Human Rights Law, Executive Law §§ 290 et seq.
Policy 0100-Equal Opportunity